

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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WILLIAM LEONARD,

Plaintiff(s),

vs.

ELDON K. MCDANIEL, *et al.*,

Defendant(s).

3:06-cv-0559-RLH-RAM

ORDER

Before this Court is the Report and Recommendation of United States Magistrate Judge, together with an Order on a motion (#55, filed August 6, 2008), entered by the Honorable Robert A. McQuaid¹ regarding Defendants' Motion for Summary Judgment (#37) and Plaintiff's Motion for Court Order to Continue Legal Assistance (#40). Objections to Magistrate Judge's Report and Recommendation (#56) were filed by Plaintiff, in accordance with Local Rule IB 3-1 and 3-2 of the Rules of Practice of the United States District Court for the District of Nevada. The matter was submitted for consideration.

The court has conducted a *de novo* review of the record in this case in accordance with 28 U.S.C. §636(b)(1)(A), (B), and (C) and Local Rule IB 3-1 and 3-2 and determines that the

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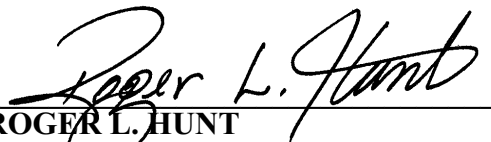
The Report and Recommendation was directed to U.S. District Judge Larry R. Hicks and the case number on the document bears his initials. This case is, however assigned to the undersigned. Undoubtedly the similarity in the initials (RLH vs. LRH), and the fact that this is a Reno case and Judge Hicks sits in Reno, is the source of the confusion.

1 Report and Recommendation of Magistrate Judge McQuaid should be accepted and adopted, and
2 further finds that the Order of Magistrate Judge McQuaid is not clearly erroneous or contrary to law
3 and should be affirmed.

4 . IT IS THEREFORE ORDERED that Magistrate Judge's Report and Recommenda-
5 tion, and the Order contained therein (#55, entered August 6, 2008) is ACCEPTED and ADOPTED,
6 and the Order AFFIRMED. Defendant's Motion for Summary Judgment (#37) is GRANTED as to
7 claims that accrued prior to September 9, 2004, and DENIED as to the remainder of the motion.

8 IT IS FURTHER ORDERED that Plaintiff's Motion for Court Order to Continue
9 Legal Assistance (#40) is DENIED.

10 Dated: September 4, 2008.

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13 **ROGER L. HUNT**
14 **Chief U.S. District Judge**
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